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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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VAN PELT, YI & JAMES LLP 10050 N. FOOTHILL BLVD #200 CUPERTINO, CA 95014			EXAMINER ZHOU, TING	
			ART UNIT 2173	PAPER NUMBER
DATE MAILED: 09/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/828,491

Applicant(s)

SNIBBE ET AL.

Examiner

Ting Zhou

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 21, 23-26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 21, 23-26 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Request for Continued Examination (RCE) filed on 11 July 2005 under 37 CFR

1.53(d) based on parent Application No. 09/828,491 is acceptable and a RCE has been established. An action on the RCE follows.

2. The amendments filed on 11 July 2005, submitted with the filing of the RCE have been received and entered. Claims 1-18, 21, 23-26 and 28 as amended are pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7-17, 21, 23-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson et al. U.S. Patent 6,507,865 and Fielding et al. in the column

Collaborative Work: The Apache HTTP Server Project.

Referring to claims 1, 23 and 28, Hanson et al. teach a method, system and computer program product comprising providing a user interface to a digital device network (an interface in the electronic medium fostering content collaboration among participants connected to a network) (Hanson et al.: column 2, lines 60-62 and column 3, lines 15-17), the interface configured to enable a user to contribute collaboratively online with other users in a collaborative

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community to modify a digital media artifact wherein a plurality of derivative digital media artifacts are created by integrating one or more user contributions with the digital media artifact (users can contribute and collaborate with other users to modify content, i.e. by manipulating, or creating and updating dynamic content such as images, streaming media, lists, calendars, slide presentations, etc.; derivative digital media artifacts are created by tracking additions, changes and updates by participants to the message) (Hanson et al.: column 2, lines 60 - column 3, line 65, column 7, lines 30-37 and column 14, lines 42 - column 15, line 46), submitting collaborative user contributions to the online digital media artifact received prior to the deadline for production by a third party into a final media product (for example, submitting a message to an online group greeting card prior to the send date) (Hanson et al.: column 15, lines 15-17 and further shown in Figure 11), and tracking a genealogy of the digital media artifact including a history of the digital media artifact and collaborative user contributions (tracking the comments and changes made by other participants to the message by maintaining a record of the history of changes that have been made to any dynamic content region) (Hanson et al.: column 7, lines 30-37 and column 13, lines 38-43). This is further shown in the example of an online group collaboration greeting card system recited in column 14, lines 43 - column 15, line 46 and Figures 9-13. However, Hanson et al. fail to explicitly teach the derivative digital media artifacts are competing derivative digital media artifacts, determining a plurality of popularities of the plurality of derivative digital media artifacts derived from the digital media artifact and submitting a selected popular derivative digital media artifact received prior to the deadline for production. Fielding et al. teach a method that develops products via user contributions (Fielding et al.: page 88, first paragraph and page 89, section entitled *Collaboration Methods and Tools*). In addition, Fielding et al. further teach

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competing derivative media artifacts (each proposed version of the file being changed, i.e. the different patches, are being voted on with only the approved patches being released; therefore, the patches are competing with one another) (Fielding et al.: page 89), determining a plurality of popularities of the plurality of derivative digital media artifacts derived from the digital media artifact and submitting a selected popular derivative digital media artifact received prior to the deadline for production (users would vote during a voting period for each proposed versions of the file being changed, and a selected popular artifact would be submitted, i.e. the approved versions of the changes would be applied to the file) (Fielding et al.: bottom of page 88 and page 89, section titled *Change Control*). It would have been obvious to one of ordinary skill in the art, having the teachings of Hanson et al. and Fielding et al. before him at the time the invention was made, to modify the development of media content via users collaborating and making changes to the media content of Hanson et al. to include the ability to vote on competing proposed changes and submitting the most popular changes among the competing changes for production taught by Fielding et al. One would have been motivated to make such a combination in order to provide a shared communication space that allows coordination and collaboration via decisions made by consensus, thereby providing intelligent data gathering, storage and retrieval, and guaranteeing that the final product will be satisfactory and meets user's needs and requirements.

Referring to claim 2, Hanson et al. teach the third party being part of the collaborative community that participated in the creation of the digital media artifact (the electronic medium can provide a background or "canvas" to which participants can add content) (column 14, lines 43-51).

Referring to claim 3, Hanson et al. teach the third party not being part of the collaborative community that participated in the creation of the digital media artifact (instead of providing a canvas for use by the participants, the electronic medium can be updated instead by a variety of external sources) (column 5, lines 9-14).

Referring to claim 4, Hanson et al., as modified, teach the popularity is determined by explicitly or implicit voting by community members (users would vote during a voting period for each proposed versions of the file being changed, and a selected popular artifact would be submitted, i.e. the approved versions of the changed would be applied to the file) (Fielding et al.: bottom of page 88 and page 89, section titled *Change Control*)

Referring to claim 7, Hanson et al. teach the media product being one or more of an animation, television program, song, motion picture or commercial (streaming media such as television programs or commercials) (column 3, lines 23-26 and column 5, lines 9-11).

Referring to claim 8, Hanson et al. teach the media product being a special edition product (column 3, lines 23-26 and column 5, lines 9-11).

Referring to claim 9, Hanson et al. teach the user contributions including one or more of plots, characters, settings, situations, sound clips, drawings, artwork and video clip (users can input content such as images and audio clips) (column 14, lines 43-51).

Referring to claim 10, Hanson et al. teach the user contributions based on materials from a fixed-asset database (selections from predetermined or predefined data can be made by the user) (column 15, lines 1-17).

Referring to claim 11, Hanson et al. teach the user contributions including contributions to a working material asset database available to other members of the community (column 13, lines 38-43).

Referring to claim 12, Hanson et al. teach tracking the user contributions to a collaborative digital media artifact based on a genealogy algorithm (tracking the comments and changes made by other participants to the message by maintaining a record of the history of changes that have been made to any dynamic content region).

Referring to claim 13, Hanson et al. teach displaying the modification history and percentage of contribution from multiple parties to the collaborative digital media artifact (displaying and tracking the history of modifications and contributions from users) (column 7, lines 30-37, column 13, lines 38-43 and further shown in Figures 9 and 17).

Referring to claim 14, Hanson et al. teach the users in the online collaborative community providing identity information in a user profile viewable by other members of the community (users are represented by their network addresses and names and their names can be viewed with their contributions by the members of the community) (column 3, lines 34-48, column 7, lines 31-37 and further shown by reference character "1140" in Figure 16).

Referring to claim 15, Hanson et al. teach tracking user activity in the online collaborative community (tracking the comments and changes made by other participants to the message) (column 7, lines 30-37 and column 13, lines 38-43).

Referring to claim 16, Hanson et al. teach correlating user activity with user profile data to determine demographic preferences (the database stores information that is specific to the

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participant, or user profile data, including demographic data, participant preference information, etc.) (column 7, lines 18-27).

Referring to claim 17, Hanson et al. teach an interface to a digital device network (column 3, lines 10-19), the interface configured to enable a user to view a plurality of digital media artifacts collaboratively created by members of the online community, and to select from among the plurality of artifacts, one or more artifacts to modify (allows the users to view greeting cards created by members of the online community and modify them to add their comments and signatures) (column 14, lines 43-51, column 15, lines 33-56 and further shown in Figure 9).

Referring to claim 21, Hanson et al., as modified, teach combining a plurality of popular derivative digital media artifacts to create the selected popular derivative digital media artifact (combining a plurality of popular derivative artifacts, i.e. combining a list of user approved patches and apply them to the file) (Fielding et al.: page 89, section entitled *Change Control*).

Referring to claim 24, Hanson et al. teach the network of digital devices comprising one or more clients running front-end software, the software providing a user interface to the digital computer network, the interface configured to enable a user to manipulate digital collage elements to contribute collaboratively online with other users to create a digital media artifact, one or more servers running back-end software, the software configured to interface with the front-end software to coordinate the contributions of a plurality of users, one or more databases configured for storage of digital media and associated information, and application program interfaces (APIs) and middleware (server-side software components) configured to communicate between the one or more clients, servers and databases (column 2, lines 60 - column 3, line 65,

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column 6, lines 23-67, column 26, lines 53-67 and column 27, lines 1-18). This is further shown in Figures 1 and 2.

Referring to claim 25, Hanson et al. teach the digital device network comprising one or more of personal computers, interactive television devices, cable boxes and cable modems (column 6, lines 34-47).

Referring to claim 26, Hanson et al. teach the digital device network further comprising one or more of wireless devices, cellular telephones and personal digital assistants (column 6, lines 34-47).

4. Claims 5-6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson et al. U.S. Patent 6,507,865 and Fielding et al. in the column *Collaborative Work: The Apache HTTP Server Project*, as applied to claim 1 above, and Knight U.S. Patent 6,515,681.

Referring to claim 5, Hanson et al. and Fielding et al. teach all of the limitations as applied to claim 1 above. Specifically, Hanson et al. and Fielding et al. teach tracking the contributions of users in the collaborative community (tracking the comments and changes made by other participants to the message) (Hanson et al.: column 7, lines 30-37 and column 13, lines 38-43) and determining the popularity of user contributions (users would vote during a voting period for each proposed versions of the file being changed, and a selected popular artifact would be submitted, i.e. the approved versions of the changed would be applied to the file) (Fielding et al.: bottom of page 88 and page 89, section titled *Change Control*). However, Hanson et al. and Fielding et al. fail to explicitly teach determining the popularity of user contributions by tracking, viewing and/or use of the contributions by other users in the collaborative community. Knight

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teaches an online user collaboration method (Knight: column 4, lines 62-67) similar to that of Hanson et al. and Fielding et al. In addition, Knight further teaches a tracking system that tracks the frequency of information usage to determine popularity (Knight: column 6, lines 22-30 and lines 59-65). It would have been obvious to one of ordinary skill in the art, having the teachings of Hanson et al., Fielding et al. and Knight before him at the time the invention was made, to modify the user collaboration method of Hanson et al. and Fielding et al. to include the use of a tracking system to determine the popularity of user contributions, taught by Knight. One would have been motivated to make such a combination in order to provide intelligent data analysis, gathering, storage, filtering and retrieval that takes into consideration the user's interests and requirements.

Referring to claim 6, Hanson et al., as modified, teach determining the popularity of a user contribution to the collaborative media artifact by tracking the assignment of a quality rating (display of a ranking system identifying the most popular information) (Knight: column 18, lines 44-51).

Referring to claim 18, Hanson et al., as modified, teach the use of statistical sampling through picking a subset of information that matches the user's query request to display, namely, the most popular and relevant information (Knight: column 6, lines 15-18 and column 16, lines 12-17). It would have been obvious to one of ordinary skill in the art, having the teachings of Hanson et al. and Knight before him at the time the invention was made, to modify the online collaboration interface taught by Hanson et al. to include the statistical sampling of Knight.

Response to Arguments

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5. Applicant's arguments filed 11 July 2005 have been fully considered but they are not persuasive:

6. The applicant argues that neither Hanson nor Fielding discloses competing derivative digital media artifacts. The examiner respectfully disagrees. Fielding teaches that each patch with proposed changes to files are sent to the mailing list to be voted on, and the list of approved patches according to user votes would be applied to the released file, on page 89; in other words, each of the patches are competing with the other patches to be approved from user votes, and therefore, the patched are competing patches. In view of the above, the examiner respectfully asserts that the combination of Hanson and Fielding teach the competing derivative digital media artifacts.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TZ



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PRIMARY EXAMINER
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